

Agenda

REVISED



Tempe City Council

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Harry E. Mitchell Government Center

Municipal Building

Council Chambers

31 East Fifth Street

7:30 P.M.

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-8241 (voice) or (480) 350-8400 (TDD) to request an accommodation to participate in the City Council meeting.

February 5, 2004

1. **INVOCATION – Councilmember Mitchell**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTES – Councilmember Cahill**
 - A. Approval of Council Meeting Minutes
 - B. Acceptance of Board & Commission Meeting Minutes
 1. Aviation Commission – December 9, 2003 [20040205tavco01.pdf](#)
 2. Bicycle Advisory Committee – November 6 & December 4, 2003
[20040205bac01.pdf](#) [20040205bac02.pdf](#)
 3. Commission on Disability Concerns – August 19, October 21 & December 16, 2003
[20040205cdc02.pdf](#) [20040205cdc03.pdf](#) [20040205cdc01.pdf](#)
 4. Enhanced Services Commission – November 19, 2003 [20040205esc01.pdf](#)
 5. Hearing Officer – January 20, 2004 [20040205ho01.pdf](#)
 6. Historic Preservation Commission – December 11, 2004 [20040205hpc01.pdf](#)
 7. Human Relations Commission – November 12, December 9 & 17, 2003
[20040205hrc01.pdf](#) [20040205hrc02.pdf](#) [20040205hrc03.pdf](#)
 8. Library Advisory Board – November 17, 2003 [20040205lab01.pdf](#)
 9. Mayor's Youth Advisory Commission – December 2, 2003 & January 6, 2004
[20040205myac01.pdf](#) [20040205myac02.pdf](#)
 10. Merit System Board – August 18, September 8, October 6 & November 12, 2003
[20040205mb01.pdf](#) [20040205mb02.pdf](#) [20040205mb03.pdf](#)
[20040205mb04.pdf](#)
 11. Neighborhood Advisory Commission – December 3, 2003 [20040205nac01.pdf](#)
 12. Parks and Recreation Board – March 11, 2003 [20040205csmr01.pdf](#)
 13. Rio Salado Advisory Commission – December 8, 2003 [20040205rsc01.pdf](#)
 14. Tempe Police Public Safety Personnel Retirement Board – December 4, 2003
[20040205clrkck02.pdf](#)
 15. Tempe Police Public Safety Personnel Retirement Board – Executive Session –

- December 4, 2003
16. Tempe Sports Authority – June 17, August 19, September 23, October 1 & 21, November 18, December 16, 2003 [20040205tsa01.pdf](#) [20040205tsa02.pdf](#) [20040205tsa03.pdf](#) [20040205tsa04.pdf](#) [20040205tsa05.pdf](#) [20040205tsa06.pdf](#) [20040205tsa07.pdf](#)
17. Transportation Commission – June 10 & 16, August 12, September 9, October 14, November 13, & December 11, 2003 [20040205tc01.pdf](#) [20040205tc02.pdf](#) [20040205tc03.pdf](#) [20040205tc04.pdf](#) [20040205tc05.pdf](#) [20040205tc06.pdf](#) [20040205tc07.pdf](#)

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- Government Finance Officers Association (GFOA) Recognition
- **Board and Commission Appointments**
*Appointment of initial officers of the Judicial Advisory Board -
Judy Aldrich, Chair
Steve Sheldon, Vice-Chair*

B. Manager's Announcements

5. CONSENT AGENDA

All items listed on the consent agenda will be considered as a group by the City Council and will be enacted with one motion. There will be no discussion of these items unless a Councilmember removes an item for consideration or a Citizen requests a public hearing item be removed. Public hearing items are designated by an asterisk (*). Items scheduled for a first hearing will be heard but not adopted at this meeting.

'q-j' denotes an item as quasi-judicial. The City Council sits as a quasi-judicial body when hearing variances or use permits. Courts have ruled that when sitting as a quasi-judicial body, the Council must conduct itself as a court and not as a legislative body. This means any materials or conversations concerning the variance or use permit can only be presented to the Council at the public hearing scheduled for the Council meeting. Pre-meeting contact with the Council on quasi-judicial matters is prohibited.

A. Miscellaneous

18. Motion to set Executive Session for the City Council meeting of February 19, 2004, if needed, in the Harry E. Mitchell Government Center, Municipal Building, 3rd Floor Conference Room, 31 E. 5th Street.

COMMENTS: Agenda for Executive Session will be posted at least 24 hours prior to such meeting.

19. Request approval of the Report of Claims Paid to be Filed for Audit for the week(s) of January 4, 11 & 18, 2004.

COMMENTS: A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.

20. Request approval of an agreement between the City of Tempe and Rio Salado Swim Club for the use of City swimming pools for competitive youth/masters swim programs.

DOCUMENT NAME: [20040205csmr02.pdf](#) **RECREATION ADM-POLICIES (0707-01)**

21. Request authorization to amend lease terms for City-owned property at 939 and 945 E. 8th Street.

COMMENTS: New Dos Gringos parking lot lease.

DOCUMENT NAME: [20040205dsnc01.pdf](#) **REAL PROPERTY DISPOSITION (0902-21-01)**

22. DELETED

23. Request by Fiesta Shops for an Amended Final Subdivision Plat consisting of one lot located at 825 West University Drive.

COMMENTS: (Brad Wilde, property owner) #SBD-2004.09, one (1) lot on 1.56 net acres.

DOCUMENT NAME: [20040205dsd2k03.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *24. This is a public hearing for the **approval** of an Original Series 12 Restaurant Liquor License for House of Hong, Inc., dba House of Hong, 3231 S. Mill Avenue.

COMMENTS: David Wong, Agent

DOCUMENT NAME: [20040205LIQ1.pdf](#) **LIQ LIC (0210-02)**

25. Request approval of an addendum to a professional services contract with Design Workshop, Inc. in an amount not to exceed \$50,553 for the Rio Salado North Bank Bike Path (Rural Road to Indian Bend Wash).

DOCUMENT NAME: [20040205PWTG08.pdf](#) **RIO SALADO PARK (0706-32)**
PROJECT NO. 60-996928

26. Request approval to increase the final contract amount with CPC Construction, Inc. from \$570,000 to \$602,293 for concrete improvements, on-call maintenance, emergency repairs or grading.

DOCUMENT NAME: [20040205PWMG05.pdf](#) **CONSTRUCTION-ENGINEERING ADMINISTRATION (0803)** **PROJECT NO. 54-997001**

27. Request approval to execute an SRP Construction License Agreement for the Kyrene Booster Station and Pressure Zone Improvements.

DOCUMENT NAME: [20040205PWTG04.pdf](#) **SALT RIVER PROJECT LICENSE (0904-02)**

28. Request approval to use State of Arizona Contract AD040004-002 for the purchase of five vehicles from Courtesy Chevrolet.

COMMENTS: Total cost for this purchase shall not exceed \$88,890. 5 vehicles total: one (1) ½-ton pick-up each for Water Department, Parks Department and Customer Service, and one (1) Suburban and one (1) ¾-ton pick-up for the Fire Department.

DOCUMENT NAME: [20040205fsdl01.pdf](#) **PURCHASES (1004-01)**

29. Request approval to use State of Arizona Contract AD040004-005 for the purchase of a one vehicle from Five Star Ford.

COMMENTS: Total cost for this purchase shall not exceed \$18,786. One (1) ½-ton pick-up for the Police Department.

DOCUMENT NAME: [20040205fsdl03.pdf](#) **PURCHASES (1004-01)**

30. Request for the Mayor to execute the Standstill Agreement regarding Brickyard Guarantee.

COMMENTS: The Standstill Agreement provides that the City will collect on its \$1,000,000 guarantee in connection with the Brickyard development. This Agreement is part of a purchase agreement between MCW and Dewar, whereby Dewar is acquiring the Centerpoint/Brownstone project.

DOCUMENT NAME: [20040205casv01.pdf](#) **SOUTHEAST QUADRANT DOWNTOWN TEMPE (0403-02-06)**

31. Request approval to abolish a Senior Transportation Planner position and create the unclassified position of Light Rail Transit Project Manager in the Transportation Division of Public Works.

DOCUMENT NAME: [20040205pwws01.pdf](#) **POSITIONS AUTHORIZED (0302-01)**

B. Award of Bids

32. DELETED

33. DELETED

34. Request to award a construction contract to Ardavin Builders, Inc. in an amount not to exceed \$385,000 (Base Bid), plus a contingency of \$30,000, and approve a professional services contract addendum for additional construction phase services with Versar, Inc. in an amount not to exceed \$1,560 for the McClintock Pool Slide Replacement project.

DOCUMENT NAME: [20040205PWWG10.pdf](#) **PARKS ADMINISTRATION (0706-01) PROJECT NO. 6300341**

35. Request approval of a professional services contract with Pinnacle One in an amount

not to exceed \$116,370 for construction management services for the South Tempe Water Treatment Plant Environmental Service Building and Plant Entrance Improvements.

DOCUMENT NAME: [20040205PWTG01.pdf](#) **SOUTH TEMPE WATER TREATMENT PLANT (0811-08) PROJECT NO. 3201093 AND 3201095**

36. Request to award a one-year contract with two (2) one-year renewal options to Arizona Control Specialists, Inc., for an energy management system at the Library and any other additional locations.

COMMENTS: Total cost for this contract shall not exceed \$90,000 during the initial contract period.

DOCUMENT NAME: [20040205fslg04.pdf](#) **PURCHASES (1004-01) RFP #04-054**

37. Request to award a one-year contract with two (2) one-year renewal options for pre-sort mailing services to PSI Group, Inc.

COMMENTS: Total cost for this contract shall not exceed \$50,000 during the initial contract period.

DOCUMENT NAME: [20040205fstso2.pdf](#) **PURCHASES (1004-01) RFP #04-055**

C. Ordinances and Items for Introduction

38. Set public hearings for **February 19 and February 26, 2004** to abandon certain easements located in the Northeast quadrant of College Avenue and University Drive.

DOCUMENT NAME: [20040205PWMG07.pdf](#) **EASEMENT ABANDONMENT (0901) ORDINANCE NO. 2004.06**

D. Ordinances and Items for First Hearing – These items will have two public hearings before final Council action.

- *39. This is the **first** public hearing to amend Tempe City Code, Chapter 28, relating to Solid Waste.

DOCUMENT NAME: [20040205cacc01.pdf](#) **TCC CH 28 - SOLID WASTE (0503-28) Ordinance No. 2004.03**

- *40. This is the **first** public hearing to abandon a water line easement and an emergency access easement located in the Playa del Norte development.

DOCUMENT NAME: [20040205PWMG03.pdf](#) **EASEMENT ABANDONMENT (0901) ORDINANCE NO. 2004.02**

- *41. This is the **first** public hearing to abandon an existing public utility easement and water and sewer easement located at 1938 East Apache Boulevard.

COMMENTS: For the Pappas School.

DOCUMENT NAME: [20040205PWMG02.pdf](#)
ABANDONMENT (0901) ORDINANCE NO. 2004.01

RIGHT OF WAY

E. Ordinances and Items for Second Hearing/Final Adoption

- q-j *42. This is the **second** public hearing for Boston's Bar and Grille for an Amended General and Final Plan of Development for Crossroads Plaza, including use permits and a tele-track wagering facility site permit, located at 1730 East Elliot Road.

COMMENTS: (McClintock and Elliot, LLC, property owner, M.P. & G. Beverage, Inc., Mauro Ramirez, business owner) #SGF-2003.102 for an Amended General and Final Plan of Development for Crossroads Plaza for a change of ownership for an existing bar/restaurant consisting of 4,388 s.f. The total center includes 87,526 s.f. of building area on 8.5 acres in the PCC-1 Zoning District, located at 1730 East Elliot Road, including the following:

Use Permit:

1. Allow a bar/restaurant with live entertainment (including a DJ, karaoke and tele-track wagering facility)

This request includes the public hearing notification for the following:

Tele-track Wagering Facility Site Permit:

Applicant: American Greyhound Racing, Inc.
3801 East Washington Street
Phoenix, AZ 85034

DOCUMENT NAME: [20040205dssl01.pdf](#) PLANNED DEVELOPMENT (0406)

F. Resolutions

43. Request to adopt Resolution of Intent to Form the Miller Road Improvement District, No. 179, City of Tempe Project No. 5101241.

DOCUMENT NAME: [20040205PWGTG09.pdf](#) IMPROVEMENT (ASSESSMENT)
DISTRICTS (0805) RESOLUTION NO. 2004.09

6. **NON-CONSENT AGENDA**

Public hearing items on the non-consent agenda are designated by an asterisk (*).

7. **CURRENT EVENTS/COUNCIL ANNOUNCEMENTS**

8. **PUBLIC APPEARANCES**

SCHEDULED PUBLIC APPEARANCE:

- Bob Stafford, 1836 E. Apache Blvd., re: Daycare Facility for City employees at the Transit Center, 5th & College

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on the City Council agenda. Matters brought up by the public under public appearances that are not

agendized can not be discussed by the City Council. There is a five-minute limit per citizen. Speaker's visual aids or recorded audio tapes will not be allowed during formal meetings. Citizens attending Council meetings should refrain from making personal, impertinent and slanderous remarks or becoming boisterous while addressing the Council or while attending the Council meeting. Unauthorized remarks from the audience, stomping of feet, yelling and similar demonstrations are also not permitted. Violations of these rules may result in removal from the City Council meeting.